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March 21, 2017

**By ECFS**

Marlene Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: **Lifeline Connects Coalition Notice of Oral *Ex Parte* Presentation; WC  
Docket Nos. 09-197, 10-90, 11-42**

Dear Ms. Dortch:

On March 17, 2017, John Heitmann of Kelley Drye & Warren LLP met on behalf of the Lifeline Connects Coalition (Coalition)<sup>1</sup> with Claude Aiken, Wireline Legal Advisor to Commissioner Mignon Clyburn. In the meeting, we discussed the need for the Commission to act on the pending petition for reconsideration filed by the Coalition with respect to the minimum service standards set for Lifeline services.<sup>2</sup> I explained that the upcoming increases in Commission prescribed family-sized portions of voice and broadband services threatened the ability of ETCs to make critical Lifeline services affordable for consumers, regardless of the size of their household. As this undermines the purpose of the Lifeline program, I suggested that consumers would be best served by leaving the December 2016 quantitative minimum service standards in place and letting consumers – rather than regulators – choose from competing ETCs for the services that best suit their needs.

To ensure greater competition in the Lifeline marketplace, I requested that the Commission place all Lifeline related matters on streamlined review, as the perpetual logjam of

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<sup>1</sup> The members of the Lifeline Connects Coalition are American Broadband & Telecommunications Company; Blue Jay Wireless; i-wireless, LLC; and Telrite Corporation.

<sup>2</sup> See *Lifeline and Link Up Reform and Modernization, et al.*, WC Docket No. 11-42, et al., Joint Lifeline ETC Petitioners' Petition For Partial Reconsideration and Clarification, 3-7 (filed June 23, 2016).

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undecided applications for review and ETC designations, compliance plans and other transaction-related approvals, had created a climate of regulatory uncertainty so morose that it threatened the health of the few Lifeline service providers actively engaged in distributing Lifeline services to eligible consumers.<sup>3</sup>

Finally, I underscored the Coalition's support for delaying implementation of "rolling recertification" so that issues raised on reconsideration can be decided and the National Verifier can be implemented. In particular, I took issue with aspects of the Commission's plan that are wasteful and that do not take into consideration new certifications made within an annual period.<sup>4</sup> I also called on the Commission to create safe harbors so that ETCs can rely on the National Verifier without risk of subsequent second-guessing and seeking reimbursement from the ETCs, citing the continuing wasteful approach that involves auditing for duplicates after the National Lifeline Accountability Database or California Administrator has said there are none.<sup>5</sup>

Pursuant to Section 1.1206(b) of the FCC's rules, this letter is being filed electronically.

Respectfully submitted,



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*Counsel to the Lifeline Connects Coalition*

cc: Claude Aiken

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<sup>3</sup> See *id.* at 17-19.

<sup>4</sup> See *id.* at 19-22.

<sup>5</sup> See *id.* at 16-17.